

COASTAL CONSERVANCY

Staff Recommendation

January 18, 2007

SEASIDE BEACH ACCESS IMPROVEMENTS, PHASE 1

File No. 01-086-02

Project Manager: Sheila Semans

RECOMMENDED ACTION: Authorization to disburse up to \$135,000 to the Coastal Land Trust for the design, implementation and maintenance of resource protection measures and public access improvements at Seaside Beach in Mendocino County.

LOCATION: Seaside Beach, just north of Ten Mile River, north of the City of Fort Bragg, in Mendocino County (Exhibit 1)

PROGRAM CATEGORY: Public Access and Resource Enhancement

EXHIBITS

Exhibit 1: Project Location

Exhibit 2: Site Plan Map

Exhibit 3: Letters of Support

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31000 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement to the Coastal Land Trust (CoLT) of an amount not to exceed one hundred thirty five thousand dollars (\$135,000) to design public access improvements, implement resource protection measures and maintain property for public use at Seaside Beach, as described in the accompanying staff recommendation. This authorization is subject to the following conditions:

1. Prior to the disbursement of any funds, CoLT shall submit for the review and approval of the Executive Officer of the Conservancy:
 - a. A work program, budget, schedule, and the names of any contractors to be employed in carrying out the project.
 - b. Evidence that all necessary permits and approvals have been obtained.
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- c. A signing plan for the project acknowledging Conservancy participation.
2. CoLT shall enter into an agreement pursuant to Public Resources Code Section 31116(c) sufficient to protect the public interest and provide for maintenance of the project for no less than twenty (20) years.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 9 of Division 21 (§§31400-31409) of the Public Resources Code.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The proposed project will serve greater than local needs.
4. The Coastal Land Trust is a private nonprofit organization existing under the provisions of Section 501(c)(3) of the U.S. Internal Revenue Code, and its purposes are consistent with Division 21 of the Public Resources Code.”

PROJECT SUMMARY:

Staff recommends that the Conservancy authorize disbursement of up to one hundred thirty-five thousand dollars (\$135,000) to the Coastal Land Trust (CoLT) to design, implement and maintain access improvements at Seaside Beach in Mendocino County. Located north of Fort Bragg, Seaside Beach is a very popular beach adjacent to MacKerricher State Park and is a link in the California Coastal Trail.

In 1997, the major portion of Seaside Beach (parcel A, Exhibit 2) was donated to CoLT, but a strip of the beach used for access from the highway to the donated parcel remained in private ownership (parcel B, Exhibit 2). Clearly identified as a priority for acquisition, the Smith property included not just this critical strip of land, but also a creek and wetland area degraded by cattle grazing and invasive plants. In 2001 the Conservancy funded the purchase of this parcel with the intention of providing controlled public access to the beach and restoring the natural resources on the east side of the highway.

Since acquiring the original shoreline parcel, CoLT has worked with CalTrans and the local authorities to restrict vehicular access to the beach, but with only limited success. Trucks access the beach to collect driftwood, camp, or simply race on the wet sand. These activities continue to impact snowy plover habitat. Because of its proximity to MacKerricher State Park, the Department of Parks and Recreation (DPR) is also concerned about continued vehicular access to the beach.

CoLT now seeks to design and implement improvements at Seaside Beach as follows:

- Install a rock barrier to prevent frequent driving on the beach as protection for the endangered snowy plover
- Work with the Mendocino County and CalTrans to design and permit parking improvements

- and a restroom along Highway 1
- Remove invasive species (including European beach grass, Japanese knotweed, Himalayan blackberry, and spiny sowthistle) from the beach, bluff face, and wetland area in cooperation with the California Conservation Corps
- Work with DPR and the Mendocino Botanical Gardens to implement a revegetation plan using locally collected native seed stock
- Repair fencing around the wetland and riparian areas to prevent access by cattle and discourage access by the public to neighboring properties for hunting
- Design interpretive panels for the property and install safety and informational signs

Additionally, as a very small land trust, CoLT is requesting funds for the continued operation and maintenance of the property. This would include funds for routine monitoring/patrolling of the site, installation of temporary restroom facilities during the summer months when beach usage is high, trail maintenance, and coordination with the various entities participating in the project as described above. If the project is approved, CoLT anticipates the beach barrier would be erected in spring 2007, in time to protect the snowy plover during the next breeding season. The invasive plant removal and the subsequent site replanting plan will continue through 2008. The design and permitting work for access improvements would be completed by September of 2007 at which time additional funds will be sought for construction.

Site Description: Seaside Beach lies 10 miles north of Fort Bragg in Mendocino County. The property west of Highway 1 is primarily open sandy beach with a rare coastal dune complex to the south. East of the highway, the property opens into a wetland complex, with Seaside Creek along the northern border, freshwater wetlands covering most of the floodplain, and a small brackish marsh on the west (Exhibit 2). Nearby land uses include agriculture and large-lot residential development on the bluffs to the north and south of the low-lying beach area. The property is adjacent to the MacKerricher State Park Ten Mile Unit.

Project History: Most of Seaside Beach west of Highway 1 was donated to CoLT in 1997. In September 1998, the Conservancy authorized disbursement of \$26,000 to CoLT for a pre-acquisition/parcel analysis of the Seaside Beach area, as well as funds for the planning and management of improvements at Seaside Beach. When it became clear that a sliver of the sandy beach area between Highway 1 and the donated beach property west of the highway remained in private ownership, CoLT focused on acquiring the Smith property. In August 2001, the Conservancy authorized \$180,000 for the acquisition of the Smith Parcel because of its environmental, biological, scenic, and multi-use characteristics. It was anticipated at that time that CoLT would return with a grant application for the design and construction of access related facilities at Seaside Beach.

PROJECT FINANCING:

Coastal Conservancy	
Access Improvements	\$123,000
Maintenance	\$12,000
Coastal Land Trust	\$1,370
State Parks (in-kind)	\$450
Mendocino Botanical Gardens (in-kind)	\$450
Stewards and Volunteers (500 hours @\$15/hour)	<u>\$7,500</u>
Total Project Cost	\$144,770

The anticipated source of Conservancy funds for resource protection measures and signage is the FY 04/05 appropriation to the Conservancy from the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Fund (Proposition 40). This funding source may be used for development of land and water resources in accordance with the provisions of the Conservancy's enabling legislation, Division 21 of the Public Resources Code. As discussed below, the project is consistent with Chapters 6 and 9 of Division 21. Proposition 40 also requires the Conservancy to give priority to grant projects with matching funds and CoLT has committed over \$9,000 in funds and in-kind contributions to the proposed project. The anticipated source of Conservancy funds for maintenance is the Coastal Access Account, which funds are specifically available for grants to nonprofit organizations for the development, maintenance and operation of new or existing facilities that provide public access to the shoreline of the sea.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project would be undertaken pursuant to and is consistent with the Conservancy's enabling legislation, Division 21 of the Public Resources Code, specifically Chapter 9 (Sections 31400-31409) pertaining to public access to and along the coast.

Section 31400 of the Public Resources Code declares the state policy that the right of the public to access and enjoyment of coastal resources should be effectively guaranteed, and states the Legislature's intent that the Conservancy have a principal role in implementing a system of public accessways to and along the state's coastline. In the proposed project, the Conservancy will fund improvements to protect coastal resources, costs of accessway management and the design of additional access improvements at Seaside Beach, which includes a potential segment of the California Coastal Trail. The proposed funding authorization thus furthers the purposes of §31400.

Section 31400.1 authorizes the Conservancy to award grants to nonprofit organizations to develop, operate or manage lands for public access purposes to and along the coast. Consistent with the requirement that accessways serve more than local public needs, the Mendocino coast is a statewide, national, and international visitor destination. The property is located along world renowned Highway 1, and is suitable for observing migrating whales during part of the year as well as many types of marine birds. The property also provides a valuable link in the California Coastal Trail. CoLT seeks to develop and manage Seaside Beach as a coastal public accessway for both the local community and out-of-area visitors alike.

Section 31400.2 states that the Conservancy may provide up to the total cost of the initial development of public accessways provided that the Conservancy evaluates the fiscal resources of the application, current funds available for coastal accessways, the urgency of the project relative to other access projects, and consistency with other Conservancy funding criteria. CoLT is a nonprofit organization that seeks to develop and manage Seaside Beach as a coastal public accessway for both the local community and visitors. Without additional funding from the Conservancy, CoLT will be unable to implement this project that has been nine years in the making. Other criteria identified in section 31400.2 are discussed in the Project Selection and Criteria section below.

Section 31400.3 enables the Conservancy to provide such assistance as is required to aid nonprofit organizations in establishing a system of public coastal accessways, and related functions necessary to meet the objectives of Division 21. Adjacent to an existing state park, and providing a link in the California Coastal Trail, the Seaside Beach property is an important component in the state's system of coastal accessways. The proposed project also incorporates the restoration of natural resources, consistent with the objectives of Chapter 6 of Division 21 (Sections 31251-31270) pertaining to coastal resource enhancement. Under Section 31251, the Conservancy may award grants for the purpose of enhancement of coastal resources that, because of natural or human-induced events, have suffered loss of natural and scenic values. The proposed project is intended to improve riparian and wetland habitats that have been degraded by agricultural land uses and inappropriate public use.

CONSISTENCY WITH CONSERVANCY'S STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 2 Objective A**, the project improves public access amenities at Seaside Beach in coordination with a local non-profit entity. The project also expands recreational opportunities for handicapped visitors to the area.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** Seaside Beach is a very popular beach for both locals and visitors from outside the area, and current facilities are inadequate for the volume of use. CoLT has convened a Seaside Beach Stewardship Council to provide input on design alternatives and

the Council will play an active part in this phase of development. Please see letters of support in Exhibit 3.

4. **Location:** Seaside Beach lies within the coastal zone 10 miles north of Fort Bragg in Mendocino County. The property is located along Highway 1, a major tourist route and destination, and will provide enhanced public access to and along the coast.
5. **Need:** Improved coastal access in Mendocino County is a priority for the Conservancy and the local community. CoLT does not have sufficient funds to implement access improvements at Seaside Beach, and therefore the project would not happen without Conservancy funds. Furthermore, the proposed project would protect snowy plover habitat from vehicular damage, restore riparian and wetland resources, and provide opportunities for expanded parking and restroom facilities.
6. **Greater-than-local interest:** The Mendocino coast is a statewide, national, and international visitor destination. See discussion of Conservancy Enabling Legislation above.

Additional Criteria

7. **Urgency:** The Pacific coast population of the snowy plover is a threatened species. Only 28 major snowy plover nesting areas remain along the west coast. Human activities on beaches, including off-road vehicles, and encroachment of exotic European beach grass into nesting areas have contributed to the decline of the plover. Seaside Beach is adjacent to the MacKerricher Beach Critical Habitat Unit designated by the US Fish and Wildlife Service. The proposed project will improve habitat by removing invasive beach grass, and will eliminate driving on the beach.
8. **Resolution of more than one issue:** The proposed project addresses both access improvements and resource enhancement. Through implementation of this authorization, CoLT will provide safe access to a popular beach along Highway 1 as well as enhance riparian and wetland resources and protect rare snowy plover habitat.
12. **Readiness:** CoLT is ready to implement this project immediately upon authorization of funds. The barrier to the beach must be erected by spring of next year in order to protect the snowy plover during breeding season. CoLT has already been working with CalTrans and Mendocino County on the permitting issues related to the proposed work, and with DPR on invasive species identification.
13. **Realization of prior Conservancy goals:** See “Project History” above.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The proposed project is consistent with the Mendocino County Local Coastal Program, (certified in 1992) and more specifically, with the Coastal Element of the Mendocino County General Plan as follows:

Coastal Plan Policy 3.5-1 states:

The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of

natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas.

Coastal Plan Policy 3.5-3 states, in part:

Any development permitted in [highly scenic] areas shall provide for the protection of ocean and coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes.

Shoreline Access Policy No. 3.6-6 states in relevant part:

“Shoreline access points shall be at frequent rather than infrequent intervals for the convenience of both residents and visitors and to minimize impacts on marine resources at any one point.”

COMPLIANCE WITH CEQA:

Providing funds for the purpose of obtaining engineering feasibility analyses, initial site design concepts and other planning activities is statutorily exempt from the California Environmental Quality Act (CEQA), pursuant to 14 Cal. Code of Regulations Section 15262, because it involves only planning or feasibility studies for possible future actions (accessway development) that the Conservancy has not yet approved, adopted, or funded. The access way design and planning activities will include consideration of environmental factors.

Funding for the ongoing operation and maintenance of an existing accessway is categorically exempt from CEQA review pursuant to 14 Cal. Code of Regulations Section 15301, since it consists of the operation, maintenance, or minor alteration of existing public or private structures, facilities, or topographical features, involving negligible or no expansion of use.

Funding for removal the of invasive species, the construction of a minor structure to block vehicular access to the beach, and the placement of small signs is categorically exempt pursuant to Section 15304, as it involves only minor alternations of land and vegetation, including the removal of non-native plant species degrading natural resources, and does not involve the removal of healthy, mature or scenic trees.

Upon Conservancy approval, staff will file a Notice of Exemption.